

ORDINANCE NO. 25-23

AN ORDINANCE APPROVING AN APPLICATION TO AMEND ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND ALTERING THE ZONING MAP TO REFLECT SAID AMENDMENT, COMING TO THE COUNCIL WITH NO RECOMMENDATION FROM THE PLANNING AND ZONING BOARD;

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned **B2** to **R2**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **Undeveloped property on Tucker Ln** Somerset, Kentucky, and having PVA Parcel # **049-7-2-78**.
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING

OCTOBER 27, 2025

SECOND READING

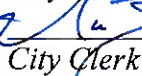
NOVEMBER 10, 2025

Approved:

A large, dark ink signature, likely of the Mayor, written over a horizontal line.

Mayor

Attest:

A blue ink signature, likely of the City Clerk, written over a horizontal line.
City Clerk

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO: MB Properties Zone Change

RE: Zone Change: MB Properties Somerset, LLC

For recording purposes,

Listed below are the parties involved in the Zone Change for

Tucker Lane

Tract 3 Plat titled Pulaski County Extension District Foundation, Inc. Boundary Survey

Somerset, Kentucky

PVA Parcel 049-7-2-78

Party One

City of Somerset,
Planning & Zoning Commission
PO Box 989
Somerset, Kentucky 42502

Party Two

MB Properties Somerset, LLC

1155 Blaze Valley Road
Somerset, Kentucky 42501

The Planning and Zoning Commission having heard testimony at a public hearings conducted before the Commission on the 15th of July 2025 and the 26th of August 2025 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT.

FINDINGS OF FACT

MB Properties Somerset, LLC is the owner of record of a tract of land on Tucker Lane, PVA Parcel 049-7-2-78, and being Plat 3 on plat Pulaski County Extension District Foundation, Inc.

The tract contains 0.76-acre per plat titled Pulaski County Extension District Foundation, Inc. Boundary Survey and of record in Plat Cabinet H Slide 022B performed by Bobby Hudson Land Surveying, Inc. and dated 04/04/2025.

The parcel is a 0.76-acre tract on the north side of Tucker Lane (100-CS-1002) with 141.21 feet of frontage along Tucker Lane. The tract is vacant and has an entrance/exit onto Tucker Lane.

The parcel is that tract of land conveyed to MB Properties Somerset, LLC by Deed of Conveyance dated the 25th of June 2025 by Pulaski County Extension District Foundation, Inc.

f/k/a Pulaski County Extension Board. The deed is recorded in Deed Book 1114 Page 469.

The parcel is zoned B-2.

The future use map has designated the planned use as Institutional.

All properties north of West Hwy 80, west of Tigers Way, south of the Hwy 80 (former Louie B Nunn Cumberland Parkway), and east of Westside Subdivision are designated as Institutional, except for Parcel 049-7-2-77 (Commercial).

The definition within the Comprehensive Plan for the Institutional is:

Institutional uses can function like commercial land uses; they can have impacts on traffic management and utilities and create congestion while some institutional uses have little or no impacts. Examples of institutional uses include public and private schools, government uses, utilities, and other public or semi-public uses.

This was due to the uses of the building on Parkway Drive and Eagle Creek Drive, with state, federal, or non-profit entities occupying the buildings.

The occupants are

- 1) 67 Eagle Creek Drive, Commonwealth of Kentucky, Cabinet for Health and Family Services,
- 2) 45 Eagle Creek Drive, USDA,
- 3) 100 Parkway Drive; Hospice of Lake Cumberland,
- 4) 20 Parkway Drive, Hospice of Lake Cumberland, formerly Pulaski County Extension Agency.

All adjoining tracts or those tracts across from the tract are zoned B-2, including the four properties above.

The tract(s) to the east is;

1850 Tucker Lane, Bluegrass Carpentry & Repair Inc, Parcel 049-7-2-74.1, B-2
Single Family Residence (occupied by owner's daughter and son-in-law) and Garage (owner occupied business)

The tract(s) to the south are;

1853 Tucker Lane, Courtney & Kimberly Jefferies, Parcel 049-7-2-76, B-2 (Single Family Residence (occupied by owner)
West Hwy 80, Courtney & Kimberly Jefferies, Parcel 049-7-2-77, B-2 (Garage occupied by owner, formerly used by his business)

The tract(s) to the west is:

1849 Tucker Lane, Brooke Investments, LLC, Parcel 049-7-2-79, B-2 (Single Family Residence (being renovated by owner, formerly owned by Pulaski County Extension District Foundation)

And the tract(s) to the north are:

20 Parkway Drive, Hospice of Lake Cumberland, Parcel 049-7-2-82, (formerly owned by Pulaski County Extension District Foundation and purchased by adjoining non-profit for administrative offices(Lake Cumberland Hospice))

67 Eagle Creek Drive, Eagle Creek Properties, LLC, Parcel 049-7-2-74.2, occupied by Commonwealth of Kentucky, Cabinet for Health and Family Services.

There are two additional improved properties along the east-west section of Tucker Lane,

1871 Tucker Lane, Felipe & Angelica Ortiz, Parcel 049-7-2-81, B-2 (Single Family Residence (presumed to be rented to third party, based on owners address)

1828 Tucker Lane, Samuel & Connie Stringer, Parcel 049-7-2-80, B-2 (block building and wood framed garage, commercial in nature.

In the initial hearing Vaught, chair of the Commission, stated that the tract was zoned B-2 with a future use of institutional.

At this point he asked to applicant to comply with

KRS 100.213 Findings necessary for proposed map amendment -- Reconsideration. (1) Before any map amendment is granted, the planning commission ~~or the legislative body or fiscal court~~ must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission ~~or the legislative body or fiscal court~~:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The applicant stated that due to the continued use of the majority of the properties since the adoption of the present zoning ordinance (2000) and past and present comprehensive plans has remained as residential that the rezoning would be more appropriate than the present zoning and future use. This compounded with a lack of suitable properties that can be developed with multiple family properties.

After his initial statement, the adjoining property owner to the south; Courtney Jeffries, stated that the planned improvements would heavily impact the traffic flow, especially the bottleneck at the intersection of the north-south and east-west section of Tucker Lane.

He specifically stated that Tucker Lane was an ingress and egress route for properties to the north.

The second speaker, Martin Pribula, furthered the potential impact of the additional traffic on the traffic flow through the neighborhood.

Pribula stated that there were four other driveways that entered into the Tucker Lane at the intersection of the north-south and east-west section of Tucker Lane and thought that the proposed construction would enter at the intersection, further adding to the congestion at the intersection.



Pribula further stated that the stated that the additional units would have a negative impact on the area in general. He stated that there would be a negative impact of value, but could not provide an appraisal backing up this claim when asked about same.

Montana Beresford spoke next. He is the son-in-law of Pribula. He stated that the apartments would negatively impact the area and further add to the problems created by the walk-through traffic from the “green roofed apartments just down the block” and that cut-through traffic headed to the Family Services Building. He further stated that he felt that due to the nature of the apartments, that there would be an increase in criminal behavior.

The basis of this premise were not provided by Mr. Beresford.

Driveways

Pribula stated that the intersection is the meeting point of four other driveways, and the addition of the subject property would bring the total to five.

Mr. Pribula's property, (1850 Tucker Lane), as well as the two properties on West Hwy 80 east of Tucker Lane, 1100 West Hwy 80 and 1084 West Hwy 80 have driveways that terminate on the undeveloped section of Tucker Lane that extends east of the intersection.

These three driveways use the undeveloped section of Tucker Lane to get to the developed section of Tucker Lane at the intersection of the north-south and east west sections of same.

Mr. Pribula's drive is less than 10 feet east of the intersection.

1100 West Hwy 80's driveway ingress point on the undeveloped section is 60 feet east of the intersection.

1084 West Hwy 80's driveway ingress point on the undeveloped section is 75 feet east of the intersection.

1084 West Hwy 80 also has a driveway that connects to West Hwy 80.

1100 West Hwy 80 has a garage that fronts the north-south section of Tucker Lane south of the intersection (16 feet) and a driveway that loops from the unimproved section of Tucker Lane to a point near the intersection of the north-south section of Tucker Lane and West Hwy 80 (45 feet north of West Hwy 80 and 240 feet south of the intersection).

1853 Tucker Lane (Jefferies) has a driveway on the west side of his property that exits onto the east-west section of Tucker Lane (100 feet west of intersection) He has a small driveway able to accommodate a single vehicle near the south property line of his property (80 feet south of intersection).

The laundromat at 1126 W Hwy 80 (Parcel 049-7-2-75) has an entrance onto the north-south section of Tucker Lane approximately 180 feet south of the intersection as well as a drive-thru exit that enters the north-south section of Tucker Lane 100 feet south of the intersection.

The initial plan had the entry to the subject property 50 feet west of the intersection.

Impact on Properties

The applicant stated that he was going to build apartments containing 900 square feet.

No other information was provided.

Several statements were made to infer on the type of residents of the apartments and resulting negative impacts. These seem to be pure speculation, as limited information was provided by the applicant on the apartments.

During the discussion phase of the hearing, several questions about the adjoining properties were asked and answered. A comment from the audience, that R-2 would be more appropriate than the request zone change to R-3. A motion was made to change the property from B-2 to R-3, but failed to garner a second, and died as a result of the lack of a second.

During the regularly scheduled August 26, 2025 meeting, an ad-hoc public hearing was held to discuss several issues, the rezone of the Tucker Lane tract being one of them. During the public hearing, the zone change be amended from R-3 to R-2. This appears to be request to appease the adjoining property owners. A preliminary site plat was present to the board and circulated to those attending. The preliminary site plan showed three triplexes, for a total of nine (9) apartments. The owner stated that the number of buildings could be increased to four, with a total of twelve (12) apartments, if two-bedroom units were built instead of three bedroom units. The prior rezoning, would have resulted in thirteen (13) units in two buildings, one containing eight (8) units, and the other five (5) units.

The speakers were the same, reiterating the same points as well as the number of duplexes and triplexes allowed on a tract. The current ordinance is not clear on that subject.

Mr. Montana Beresford raised the question whether this was spot zoning.

He further stated that he felt that the only permissible use would be single family to conform with the other properties in the neighborhood.

During the regular meeting, a short discussion was held, with no significant questions or comments regarding directly to the property. The request for a motion was asked and went unanswered.

Spot Zoning

Tucker Lane is a smaller feeder road that runs between West Highway 80 and Tigers Way, a connector between West Highway 80 and Highway 80, (former Louie B Nunn Cumberland Parkway). The property is zoned B-2 with the future use being institutional.

The current zoning was in place prior to the adoption of the present zoning ordinance (August 2000).

There are seven tracts along the east-west section of Tucker Lane. There are four single-family residences, two commercial properties, and one vacant lot. Two of the properties were owned by the Pulaski County Extension District Foundation, Inc. when its offices were at 20 Parkway Drive. The tracts are the subject property and the adjoining property west (1849 Tucker Lane, Brooke Investments, LLC.) They appear to have been purchased by the Pulaski County Extension District Foundation, Inc for future expansion. The Pulaski County Extension District Foundation, Inc has relocated to a larger tract on Hwy 914 and the Parkway Drive property, as well as the two Tucker Lane tracts were sold at auction after the relocation. The 20 Parkway Drive property was purchased by the adjoining non-profit (Lake Cumberland Hospice). The auction was a multi-par auction allowing the bidding of one tract and then grouping other tracts after the initial bidding round. The buyer, Lake Cumberland Hospice, had ample opportunity to purchase either or both additional tracts during the auction process. Their decision not to purchase these two tracts allowed others to purchase the property.

The purchase of 1853 Tucker Lane, (Jefferies) was for use as a single-family residence. Mr. Jefferies' tract was subdivided into two smaller tract for the express intent to construct a garage on the second lot (vacant) for commercial use.

The purchase of 1849 Tucker Lane, (Brooke Investments, LLC) was for use as a single-family residence as well as a potential site(s) for duplexes or triplexes on the excess land, per requests directed to the Planning and Zoning offices by the owner or persons hired by her exploring potential development avenues.

Most of the zoning requests in the past year has been for multifamily, or subdivision of moderate sized tracts (2-4 acres), into R-1A Single Family Residential, Small Lot.

There have been two recent purchases of tracts that have been developed into single family residential development. The tract on East Mount Vernon, that has had four spec homes constructed but remain unsold. The second development is the Maple Manor property of Patriots Way off Monticello Road. The tract has been partially subdivided into seven single family residents. This section was rezoned to R-1 at the request of the planning commission to be in agreement with the restrictions. The remaining acreage (27.7-acres) remains to be zoned R-2. There has been one residence constructed (developer's personal residence) and it appears that the developer is in no rush to develop the remainder of the tract. He has in fact created a 6.1-acre green space buffer between the single-family section and the R-2 section. He has built a small barn and has two horses in the fence enclosed area, with a walking track around the fenced area.

Most single-family residences in the past two years have been smaller homes (1000-1400 SF) on smaller lots within the area surrounding the downtown business district that had been selling in the \$160,000 to \$225,000 range.

The above gives a general overview of the residential trends in Somerset.

Of the two residential developments, the East Mt Vernon has been in place for two years, but has yet to take off, and the Maple Manor developer seems to have a lackadaisical approach.

The subject property is on a street with mixed uses. There are commercial properties to the north, south, and east, and this small area has remained mostly residential in nature, with a small commercial presence along Tucker Lane.

The present Comprehensive Plan is adequate for the present needs of Somerset. It addresses most needs of the community going forward. The passing of the local option in 2012, the emergence of the downtown area as a niche area of dining and unique shops, and annexed properties along KY 914 have been addressed. Other areas' future uses were unchanged or slightly altered to be compatible to the properties development since the last comprehensive plan in 2012. This area has not had any large scale changes that needed to be addressed in the present comprehensive plan. The relocation of the Pulaski County Extension District Offices to the Southwestern By-Pass appears to have been overlooked and this omission extends to the two tracts previously owned by Pulaski County Extension District on the east-west section of Tucker Lane.

Spot zoning is asking for a property on North Maple Street to be rezoned from R-2 to R-3 when all one can see are single family residences.

Spot zoning is asking for a property on East Mount Vernon to be rezoned from B-2 to I-1 so one can park third party trailers on the tract, or said tract be rezoned to R-3 so that multi-family buildings can be constructed on the tract.

Spot zoning is asking for a vacant lot property on Chandler Street to be rezoned from R-2 to I-1 so one can build self-storage units on the tract.

Several of the above were based on questions asked of the planning and zoning commission.

Looking at a property, and seeing mixed uses along said street, and recognizing that the requested zoning is in line with trends in similar areas in the city is not spot zoning.

Proper rezoning is recognizing the fact that even though the request may be contrary to the futures use, the past actions of others in the immediate area have reset the future use back to a use of a bygone era, and that the predominant use is not necessary the correct path forward.

CONCLUSIONS

The testimony provided to the Planning and Zoning Commission was inadequate for the rezoning presented. There were certain actions that could have been performed by the applicant that may have refuted issues raised by those speaking at the meeting and clarified his position.

The board felt there was insufficient information to provide a recommendation to the Somerset City Council at this time and forwarded the request with no recommendation to be in compliance with KRS 100.211 (2) (c) 1.

This action is allowed per KRS 100.211 (2) 3.

RECOMMENDED MAP AMENDMENT

No recommendation has been made by this Commission.

A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 3rd of September 2025.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:

Planning & Zoning Commission Clerk

This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney

City Attorney